

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

ELIZABETH HIGGINS, et al.,)	
)	
Plaintiffs,)	8:08CV15
)	
vs.)	ORDER
)	
JOACHIM DANKIW, et al.,)	
)	
Defendants.)	

This matter is before the court on the plaintiffs' Motion to Amend Initial Progression Order ([Filing No. 80](#)). The plaintiffs seek an extension of time for their deadline to move to amend the complaint and to add parties from July 1, 2009, to September 11, 2009. The plaintiffs state that although the defendants filed their Fed. R. Civ. P. 26(a)(1) disclosures on the deadline for service, April 30, 2009, the document contained a notation that "Items marked with an asterisk (*) contain confidential or otherwise protected material and Defendants will seek a protective order prior to their release." **See** [Filing No. 79](#) p. 4. The defendants have not yet produced the documents, a privilege log, or a draft protective order for the plaintiffs' review. The plaintiffs contend the delay in receipt of the discovery makes it difficult to determine whether they will have a need to amend the complaint or add parties. In addition, the amount of discovery already produced is voluminous and review of such discovery is necessary before depositions of the named defendants.

The court finds the plaintiffs have shown good cause for the extension of time. **See** [Fed. R. Civ. P. 16\(b\)](#); [Bradford v. DANA Corp., 249 F.3d 807, 809-10 \(8th Cir. 2001\)](#); **see also** [Thorn v. Blue Cross & Blue Shield of Fla., Inc., 192 F.R.D. 308, 309 \(M.D. Fla. 2000\)](#). Additionally, there appears no justification in the record for the defendants' delay in productions of documents. Upon consideration,

IT IS ORDERED:

1. The plaintiffs' Motion to Amend Initial Progression Order ([Filing No. 80](#)) is granted as follows. Any motion to amend pleadings and/or add parties shall be filed by the

plaintiffs **not later than September 11, 2009**, and by the defendants not later than **October 9, 2009**.

2. The parties have to **on or before June 12, 2009**, to submit a joint protective order.

DATED this 5th day of June, 2009.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge